

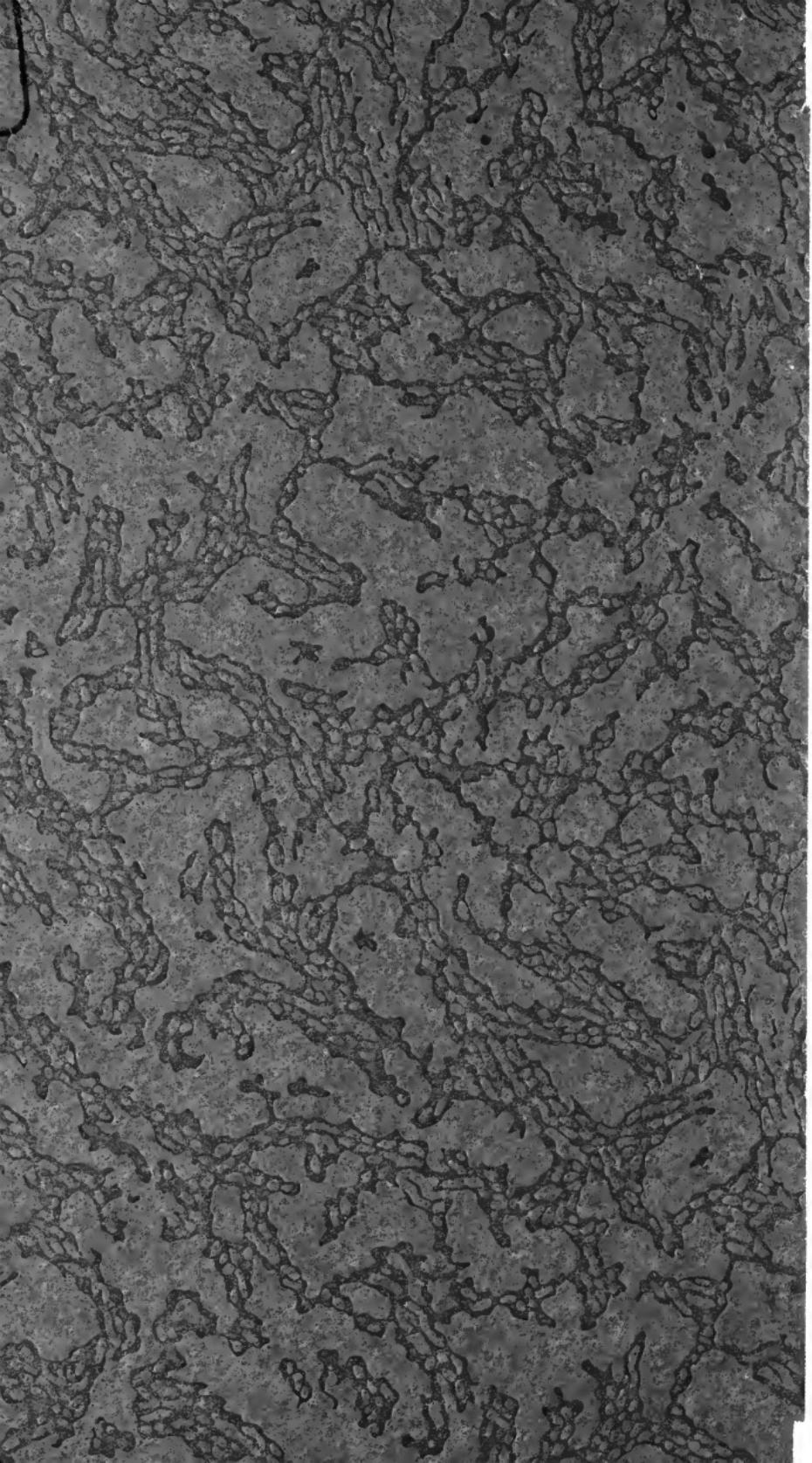
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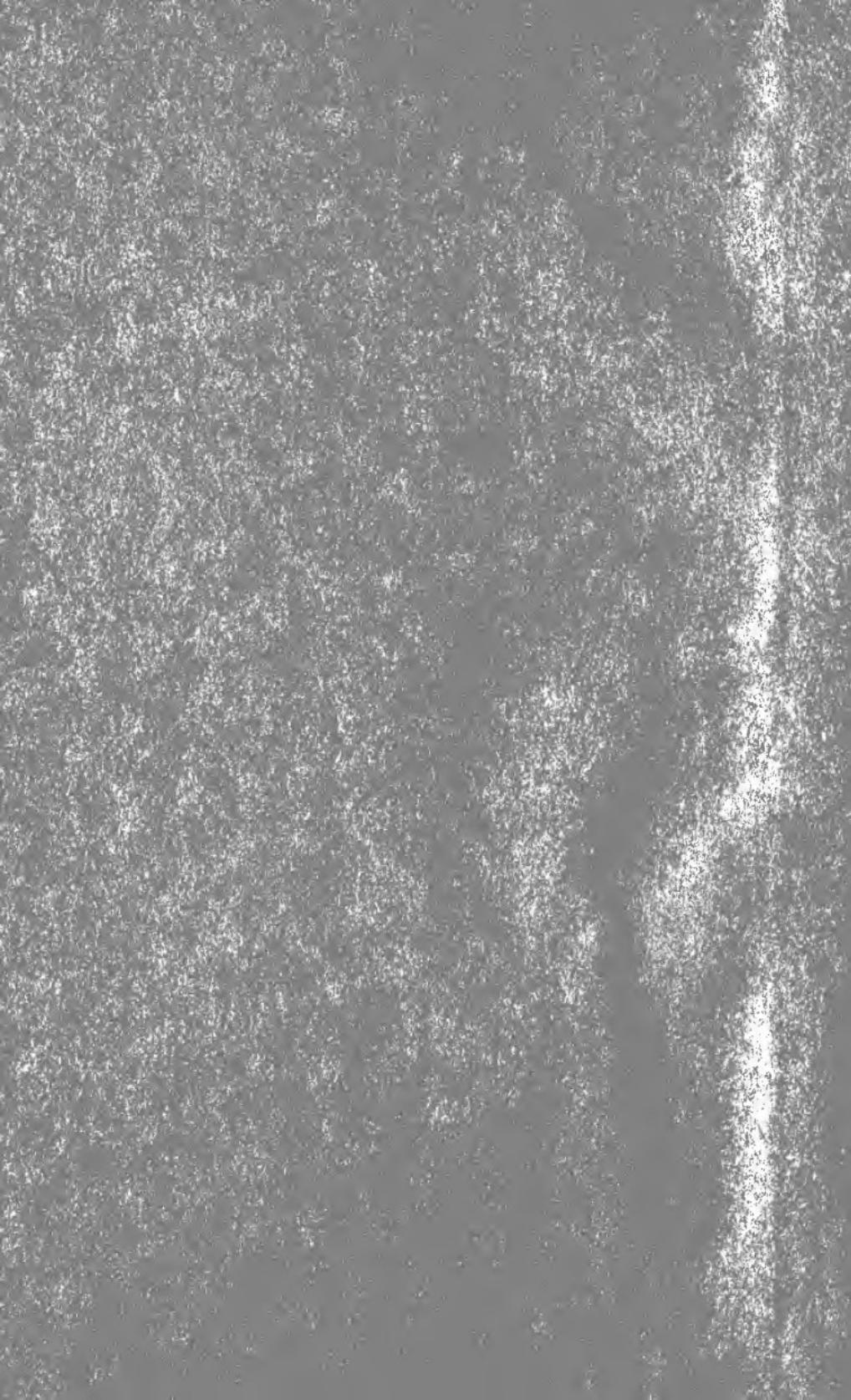
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THE OTHER SIDE

OF

The Declaration of Independence

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A LECTURE BY FRANK BERGEN,

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AT WESTMINSTER CHAPEL, ELIZABETH, N. J.

DECEMBER 16TH, 1897.

"Audi Alteram Partem."

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THE OTHER SIDE OF THE DECLARATION OF INDEPENDENCE

Ladies and Gentlemen:

ONE day last September, in a laughing talk with my friend, Mr. Atkinson,* I expressed the opinion that the Declaration of Independence was an unjustifiable and an ungrateful act. I made the remark in order to hear my friend discourse patriotic eloquence, and you may be sure that he did. We discussed the matter for some time without coming to an agreement—perhaps we did not intend to agree when we began to dispute. Our talk ended with an invitation, extended rather in the form of a challenge, to make my remark the text of a discourse for the benefit of the coal fund; and so it came to pass that I am here this evening to stand in the pillory for a half hour or so as a punishment for trying to have a little fun with a minister.

*Rev. J. R. Atkinson, Rector of Trinity Church, Elizabeth.

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Some time ago, to gratify a curious or perverse impulse, I made some inquiry to learn whether there were two sides to the controversy that led to our Revolutionary War, and, if so, to find out how much of the blizzard of eulogy and oratory, which we accept as history, is veritable fact. I found two sides to the dispute, as you probably know, but have not yet finished the rest of my task.

Let me say a word to guard against misunderstanding. I do not think an accurate estimate of the Declaration of Independence can be made without a minute and critical survey of the course of civilization in Europe and America from the break-up of the Dark Ages to the outbreak of the French Revolution. To form an opinion of the document, or of the men who signed it, from a mere reading of its text and an account of the skirmishes from Lexington to Yorktown, would be quite absurd, and yet such an opinion has been formed many times on that meagre stock of information. All I shall undertake to do is to remind you of a few facts on one side of a long controversy—

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a controversy in which neither side had a monopoly of righteousness.

No doubt the Declaration of Independence is regarded as one of the beacon lights shining in the course of the long and painful march of the Anglo-Saxon race from the feudal system to rational liberty, fit to be held up with Magna Charta, the Petition of Right, the Bill of Rights and the Federal Constitution. But whatever may be the final judgment of history on the Declaration—if history ever renders any final judgment—there can be no harm in turning the famous old document over for a moment and looking at the other side. If there is reason to suspect that some of the statements in the Declaration of Independence are exaggerated, unsound or untrue, or that some of the reasons alleged to justify it are fallacies, let us try to forget our dislike of England for a little while and ask the Fourth of July orators to be still long enough for us to find out what was the real trouble between George Washington and George III.

I am convinced that such an investigation

would be wholesome and cheerful, and an act of justice to the present generation. Our native historians and the common run of Fourth of July orators have treated our countrymen badly for a hundred years. They have given the world to understand that we are the degenerate children of a race of giants, statesmen and moralists who flourished for a few years about a century ago and passed away. The truth, I think, is different. An impartial examination of the records would probably show that we are wiser, better, more benevolent than the standard heroes of 1776, and quite as patriotic and brave. Anyone familiar with a horn book of natural or political history should suspect this to be so. If we know anything certainly it is that the conflict going on around us between what we call the forces of good and evil is a process of perpetual improvement in obedience to some immutable and higher law that we laymen do not clearly understand. On this point the most profound historians and those deepest in science seem to agree. Mr. Spencer, who has taken all knowledge for his

province, and has succeeded better than Bacon, tells us that "progress is not an accident, but a necessity. Instead of civilization being artificial it is a part of nature; all of a piece with the development of an embryo or the unfolding of a flower." And the late Professor Huxley, whose profound learning seemed to strengthen his good sense, after giving us a dismal picture of man emerging from the darkness of prehistoric ages with the marks of his lowly origin strong upon him,—a mere brute, he says, more intelligent than other brutes,—rejoices that enormous changes for the better have occurred and are still going on in the world, and adds that if this were not so he would hail the coming of a kindly comet to sweep the whole affair away as a public blessing. And so Macaulay, grown gray over history, displays the same truth by one of his flashes of rhetoric. He tells us that "those who compare the age on which their lot has fallen with a golden age that exists only in their imagination may talk of degeneracy and decay, but no man who is correctly informed

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as to the past, will be disposed to take a morose or desponding view of the present."

I have hastily summoned these eminent witnesses, and examined them briefly, in order to show that the presumption is against the accuracy of the history of our revolutionary era as commonly written. We may give our ancestors credit for many admirable virtues without attempting to maintain that a multitude of unlettered colonists, scattered along the Atlantic coast—hunting, fishing, smuggling and tilling the soil for a living, and fighting Indians and wild beasts—possessed a vast fund of political virtue and political intelligence, and carried off the bulk of it with them when they passed away.

We may not agree with the remark of the late Wendell Phillips that history for the most part is a series of lies agreed on; nor refuse to hear history read as Walpole refused, because he said history must be false; but it must be conceded as probably true that much of our history of the revolutionary era is fiction written in gush. If I should read to you the account

of the battle of Lexington, or of the street fight we call the Boston Massacre, as written by Bancroft, and then read Lecky's story of the same incidents, it would make you laugh. Yet both of these historians were learned and honest men; but they saw facts, or at least one of them did, not with eyes, but with prejudices, and kindred writers have been feeding our patriotism on fiction and prejudice for more than a century.

The public gorge is beginning to rise at this tirade of indiscriminate eulogy, and the public taste is beginning to reject it as a form of defamation. Sixty years ago Emerson, suffocated by the fumes of sulphur that Jonathan Edwards had blown over New England, demanded a religion of insight, not of tradition merely. And so the ripening judgment of our people is beginning to demand portraits of our ancestors painted according to the command that Cromwell gave the artist—to paint his features, warts, blotches and all—and to demand an account of the exploits of our forefathers written as Othello desired his memory to be

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preserved. When we shall learn to speak of them as they were—to extenuate nothing, nor set down aught in malice—their worthy shades will bow and thank us, for no sturdy character in history ever craved or relished gush.

In a short essay on the features of American public life in the revolutionary era, Professor Sumner of Yale observed that "no one appears to have examined critically the opinions, pretensions and methods of the American colonists in the pre-revolutionary period to see how far they were right." The English, he reminds us, never very seriously debated the doctrines put forward by the Americans before the war. Indeed, the great orators of England—Chatham, Burke, Fox, Conway, Camden and Col. Barre—in their zeal to break down obnoxious ministries, justified the conduct of the Americans, although asserting the omnipotent power of Parliament to legislate for the colonies on all subjects. But still with this strong force of orators and debaters pleading their cause the patriots complained that they were not represented in Parliament.

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Bancroft was our standard historian for many years. He was very industrious, but his mind was narrow, and not very strong. He had a knack or trick of fine writing. His brain was highly charged with patriotic ardor, which seemed to carry him off his feet now and then; and so, much of his book came to be written in a style that resembles a prose translation of Homer. His book, so far as it relates to the revolutionary era, is useful as a magazine of patriotic oratory; but the sober and critical searcher after frozen truth must go elsewhere. Hildreth told the truth faithfully, but his style is dull and his work a mere outline. The reception of his book displeased many good people who knew nothing about the Revolution, except what they had learned from Bancroft and the orators, and led him to defend himself in a somewhat luminous remark in the preface to his second edition:

“The undress portraits I have presented of our colonial progenitors, though made up chiefly of traits delineated by themselves; my

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presumption in bursting the thin, shining bubble so assiduously blown up by so many windy mouths of a colonial golden age of fabulous purity and virtue, have given very serious offense, especially in New England, region of set formality and hereditary grimace, where a careful editorial toning down, to prepare them for being printed, of the letters of even so cautious a person as Washington, has been thought to be demanded alike by decorum toward him, and by propriety toward the public."

McMaster has collected a great deal of information about the habits of our ancestors, largely from the yellow journals of their day, but he has shown no capacity to use it so as to instruct. Indeed, his childish effort to imitate Macaulay makes his work ridiculous and insincere. It reminds one of the effort of the feeble Richelieu to wield the sword of Charles Martel. But there is a more serious charge to be brought against McMaster. Noting the rising disgust with the fulsome praise of the patriots and all their works, and pandering to indiscriminating irreverence, he turned the bat-

teries of his flippant rhetoric against the most worthy of all. He filled a page of his book with a jocular account of the last illness and death of Washington, and added a disgraceful paragraph purporting to depict the great Virginian in his habit as he lived. It was a vulgar effort to dissolve the purple cloud of rhetoric in which Everett had carried Washington through thirty states.

The Narrative and Critical History, edited by Winsor, is a huge mass of raw material, and the other so-called standard histories of our country treat of epochs merely, or were written to amuse children in school. The public mind filled with such writings is not likely to possess a very clear impression of important facts. Let us turn to other sources of information and get a few lights of another color to set about the Declaration of Independence, and then read it over again.

→The earlier half of the eighteenth century was filled with unheroic war. France, England and Spain were beginning to overrun the interior of North America, quarreling and fight-

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ing as they went. Spain claimed a zone to the south, and France a vast territory to the north and west of the English colonies. Each of the three countries sought aid from the savages to carry on their enterprises and depredations, but their petty wars were indecisive. While the English colonies were beset on the north by the French, on the south by the Spaniards, and on the west by the Indians skulking along the Alleghany ranges, and were compelled to depend on the wooden walls of England for protection of their coasts, they were remarkably loyal to the crown of England. Their representative assemblies passed obsequious resolutions expressing loyalty and gratitude to the King, and the people erected his statue in public places. Indeed, this feeling of loyalty existed in the minds of a large majority of the people down to the battle of Bunker Hill, and was never wholly eradicated.

—In the summer of 1774 Franklin assured Chatham that there was no desire among the colonists for independence. He said: “Having more than once traveled almost from one

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end of the continent to the other and kept a great variety of company—eating, drinking and conversing with them freely, I have never heard in any conversation from any person, drunk or sober, the least expression of a wish for a separation or hint that such a thing would be advantageous to America." Nearly a year later, in March, 1775, John Adams wrote: "That there are any that pant after independence is the greatest slander on the Province." Jefferson himself declared that until shortly before the Declaration of Independence he had never heard a whisper of disposition to separate from Great Britain; and Washington, in October, 1774, denied in the strongest terms that there was any wish for independence in any province in America. This feeling must have arisen from gratitude for the protection afforded by the mother country, or at least satisfaction with the relations existing.

On this point there is a striking answer made by Franklin in his crafty examination before the House of Commons in February, ✓ 1766. In reply to the question, "What was

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the temper of America towards Great Britain before the year 1763?" he said, "The best in the world. They submitted willingly to the government of the Crown and paid, in their courts, obedience to the acts of Parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons, or armies to keep them in subjection. They were governed by this country at the expense only of a little pen, ink and paper; they were led by a thread. They had not only a respect, but an affection, for Great Britain; for its laws, its customs and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain were always treated with particular regard; to be an *Old England man* was, of itself, a character of some respect, and gave a kind of rank among us." And in reply to the question, "What is their temper now?" he said, "Very much altered." It is interesting to inquire what happened during the three years intervening to change the temper of the colonists.

In 1756 the elder Pitt, Prime Minister of England, an empire builder of immense energy, conceived the idea of organizing a campaign to put an end once for all to the enemies of the English colonies in America. War was declared against the French; an army and a fleet were sent from England; money was pledged to the colonies to aid in equipping militia, and a war of seven years was waged, ending in the complete conquest and cession of Canada. The power of the Indians, who had assisted the French, was weakened, and in order to remove other enemies of the English colonists Pitt gave Cuba to Spain in exchange for Florida, so that in 1763 the British flag waved from the Gulf of Mexico to the frozen North. The coast of the Atlantic was protected by the British navy, and the colonists had no longer any enemies to fear, except the retreating Indians.

For this relief the colonists gave much thanks to the King and Parliament. The site of Fort Duquesne was named Pittsburgh in honor of the Prime Minister. Massachusetts

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voted a costly monument in Westminster Abbey in memory of Lord Howe, who had fallen in the campaign against Canada. The assembly of the same colony in a joyous address to the Governor, declared that without the assistance of the parent state the colonies must have fallen a prey to the power of France, and that without the money sent from England the burden of the war would have been too great to bear. In an address to the King they made the same acknowledgments, and pledged themselves to demonstrate their gratitude by every possible testimony of duty and loyalty. James Otis expressed the common sentiment of the hour when, upon being chosen moderator of the first town meeting held in Boston after the peace, he declared: "We in America have certainly abundant reasons to rejoice. Not only are the heathen driven out, but the Canadians, much more formidable enemies, are conquered and become fellow subjects. The British dominion and power can now be said literally to extend from sea to sea and from the Great River to the ends of the earth."

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And after praising the wise administration of His Majesty, and lauding the British constitution to the skies, he went on to say: "Those jealousies which some weak and wicked minds have endeavored to infuse with regard to these colonies had their birth in the blackness of darkness; and it is a great pity that they had not remained there forever. The true interests of Great Britain and her plantations are mutual; and what God in his providence has united let no man dare attempt to pull asunder."

This French and Indian war, as it was commonly called, carried on with so much energy and success, doubled the national debt of England, and made taxation oppressive in that country. The war had been waged mainly for the benefit of the colonists, and, as it was necessary to maintain a standing army to protect the conquered territory, it was considered but reasonable that part of the expense should be borne by the Americans. This was especially so in view of the fact that the conquest of Canada had been a prime object of statesmen and

Bath

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leading citizens of the colonies for many years.

It has been said on good authority that Franklin brought about the expedition against Canada that ended with Wolfe's victory on the Plains of Abraham. In all companies and on all occasions he had urged the conquest of Canada as an object of the utmost importance. He said it would inflict a blow upon the French power in America from which it would never recover, and would have a lasting influence in advancing the prosperity of the British colonies. Our historians are just beginning to discover and tell us that Franklin was one of the shrewdest statesmen of the age in which he lived. For a century we were taught to think of him as a vagrant and industrious youth who was born somewhere in Boston, emigrated to Philadelphia, carried on a job-printing business there for many years, scattered some good sense over the country by means of an almanac, established a circulating library, made some crude experiments with electricity, organized a fire company, and invented a stove. But this is a low estimate of

his abilities. Probably Franklin did as much as any man who ever lived to make life worth living; but his greatest achievements were in the domain of statecraft. After egging England on to capture Canada from the French, and thus removing the most dreaded enemy of the colonies, he won the confidence of the court and people of France and obtained their aid to deprive England of the best part of a continent. He was genial, thrifty and adroit, and his jocose wisdom was never more tersely expressed than when he advised the signers of the Declaration of Independence to hang together or they would hang separately.

At the conclusion of the Peace of Paris, in 1763, Great Britain had ceased to be an insular kingdom, and had become a world-wide empire, consisting of three grand divisions: (1) The British Islands, (2) India, and (3) a large part of North America. In Ireland an army of ten or twelve thousand men was maintained by Irish resources, voted by the Irish Parliament and available for the general defense of the Empire. In India a similar army

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was maintained under the despotic government that existed there. English statesmen believed that each of these great parts of the Empire should contribute to the defense of the whole, and unless they should do so voluntarily it was their opinion, to which the great lawyers of England agreed, that power to force contribution resided in the Imperial Parliament at Westminster and should be exercised. It was thought that an army of ten thousand men was necessary to protect the territory won from France and to keep the Indians in subjection, especially as it was believed that the French would endeavor to recapture Canada at the first opportunity. America, it should be remembered, paid no part of the interest on the national debt of England, amounting to one hundred and forty million pounds, one-half of which had been contracted in the French and Indian war. America paid nothing to support the navy that protected its coast, although it was the most prosperous and lightly taxed portion of the British Empire. Grenville, Chancellor of the Exchequer, asked the

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Americans to contribute one hundred thousand pounds a year, about one-third of the expense of maintaining the proposed army, and about one-third of one per cent. of the sum we pay each year for pensions. He promised distinctly that the army should never be required to serve except in America and the West India Islands; but he could not persuade the colonists to agree on a practical plan for raising the money among themselves, and so proposed to resort to taxation by act of Parliament. At the same time he made this proposal he assured the Americans that the proceeds of the tax should be expended solely in America, and that if they would raise the money among themselves, in their own way, he would be satisfied. He gave them a year to consider the proposition. At the end of the year they were as reluctant as ever to tax themselves for their own defense or submit to taxation by act of Parliament. Then the Stamp Act was passed—it was designed to raise one hundred thousand pounds a year—and the war of words assumed an acute condition.

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The heart of the Old Dominion was fired by Patrick Henry, one of the most unrestrained mortals who ever walked the earth. Byron called him a forest-born Demosthenes, and Jefferson, wondering over his career, exclaimed: "Where he got that torrent of language is inconceivable. I have frequently closed my eyes while he spoke, and when he was done asked myself what he had said without being able to recollect a word of it." Henry failed in business repeatedly while still a stripling, became hopelessly bankrupt at twenty-three, and probably was not asked to pay taxes. Then he studied law a few weeks, practiced a few years, and finally embarked on the stormy sea of politics. One day he worked himself into a fine frenzy, and in a most dramatic manner demanded liberty or death, although he had both freely at his disposal. The first entry Fame ever made of his exploits is an account of his success in an effort to persuade a jury to render one of the most unjust verdicts ever recorded in court. He was a slave-holder nearly all his life. He bequeathed slaves and

PATRICK
HENRY

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cattle in his will, and one of his eulogists brags that he could buy or sell a horse or a negro as well as anybody.

James Otis started the Revolution in New England by what Lecky calls "an incendiary speech" against writs of assistance. These writs were intended to authorize custom-house officers to search for smuggled goods, and if half what Hildreth states and Bancroft admits in regard to smuggling along the coast of New England is true, there is no reason to wonder why such writs were unpopular in Boston. Otis was no doubt an eloquent man, and all the more dangerous because he sometimes thought he was right; but it is always prudent to distrust the eloquence of a criminal lawyer. We need no further proof of this than the advice Otis gave the people on the passage of the Stamp Act: "It is the duty," he said, "of all humbly and silently to acquiesce in all the decisions of the supreme legislature. Nine hundred and ninety-nine in a thousand of the colonists will never once entertain a thought but of submission to our Sovereign, and to the

JAMES
OTIS

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authority of Parliament in all possible contingencies. They undoubtedly have the right to levy internal taxes on the colonists."

At the time the Stamp Act was passed Hutchinson was Lieutenant Governor and Chief Justice of Massachusetts. He was a man of rare ability, stainless private character, fine charm of manner, and devoted his leisure to studies in literature and history. He was opposed to the policy of the Stamp Act, but as Chief Justice he administered the law faithfully. Goldwin Smith tells us that Hutchinson was "a man whose reputation long lay buried under patriot vituperation, but who is now admitted by fair-minded writers to have been himself a patriot, seeking to the utmost of his power peace with justice." When the stamps arrived in Boston the building intended as a stamp office was destroyed by a mob. Public officials were hung in effigy and forced to resign their offices. Court houses and the custom house were sacked and their records burned. The mob, intoxicated with liquor, which they had found in the cellar of a house

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they had plundered, proceeded to the residence of Hutchinson, the finest in Boston, and destroyed it. His plate, furniture, pictures, public documents, and a valuable library, which he had spent thirty years in collecting, were plundered and destroyed. This is a specimen of the way some of the people of Boston discussed a grave constitutional question, when, according to the highest authorities, they were on the wrong side of it. It is true that resolutions were afterward carried in a town meeting for suppressing riots, but no one was ever punished for these outrages.

The principal objection made by the colonists to the Stamp Act was on the ground that it was an internal tax. They denied the right of Parliament to impose internal taxation, claiming that to be a function that could be exercised only by the colonial assemblies. They admitted, however, that Parliament had a right to levy duties on exports and imports, and they had submitted to such taxation for many years without complaint.

Franklin, in his examination before the

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House of Commons, was asked: "Did you ever hear the authority of Parliament to make laws for America questioned until lately?" and he replied: "The authority of Parliament was allowed to be valid in all laws except such as should lay internal taxes: it was never disputed in laying duties to regulate commerce." And in reply to another question, he said: "I never heard any objection to the right of laying duties to regulate commerce, but a right to lay internal taxes was never supposed to be in Parliament, as we are not represented there." Franklin agreed with ex-President Cleveland that a duty on an imported article is added to the first cost, and when the article is offered for sale makes a part of the price, although some of us Republicans deny the soundness of that proposition. The essential point, however, is that duties were regarded as taxes,—at least, duties on necessities.

But Franklin differed with Cleveland in one particular. When asked to state whether in his opinion there was any difference between external and internal taxes, he replied:—

"I think the difference is very great. An external tax is a duty laid on commodities imported; the duty is added to the first cost and other charges on the commodity, and, when it is offered for sale, makes a part of the price. If the people do not like it at that price, they refuse it; they are not obliged to pay it. But an internal tax is forced from the people without their consent, if not laid by their own representatives."

This would be so in case of an article not necessary for use or consumption, but, as many of the imported articles were indispensable and not produced or made in America, Franklin's distinction was bright but thin. Grenville ridiculed the distinction between external and internal taxes, and Chatham, between the explosions of his oratory, declared:—

"I cannot understand the difference between external and internal taxes. They are the same in effect, and differ only in name. That this Kingdom has the sovereign, the supreme legislative power over America is granted. It cannot be denied. Taxation is a part of that sovereign power."

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✓ The Stamp Act remained in force for a year only, and was then repealed in an effort to pacify the colonists, and a duty laid on tea and other imports, which they had always admitted to be a valid act of Parliament. But the turbulent spirits were not to be satisfied so easily. They organized an immense boycott against British goods and commercial intercourse with England, and appointed vigilance committees in many communities to see that the boycott was rigidly enforced. In December, 1773, three ships laden with tea—private property of an innocent corporation—arrived at Boston, and on the 16th of that month—just one hundred and twenty-four years ago tonight—forty or fifty men disguised as Mohawk Indians, under the direction of Sam. Adams, John Hancock and others, boarded the vessels, posted sentinels to keep all agents of authority at a distance, and flung the whole cargo, consisting of three hundred and forty-two chests, into the sea. The public officials did nothing, and no one was ever punished for this act of malicious mischief.*

*See letter of Franklin; note at end.

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Ships laden with tea arriving at other ports were forced to return, and the law everywhere was violated with impunity. How can we, law-abiding citizens, with any show of consistency, applaud the Boston Tea Party and condemn the high-handed conduct of Martin Irons and Eugene Debs?

There is a remarkable fact about the action of American mobs during the long period of anarchy and riot that prevailed from 1763 until the federal government was organized in 1789—they were not blood-thirsty. It is true they resorted to the cruel practice of carrying loyalists about on rails and daubing them all over with tar and feathers. They would burn buildings; sack dwellings; confiscate property; intimidate public officials and force them to resign; and pass laws to compel honest people to accept worthless money for their goods and chattels, and in payment of just debts; but it must be said to their credit that instances of extreme torture are not very numerous.

The correspondence and diaries of the revolutionary era probably give us the most re-

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liable information as to the views and condition of the people. In 1774, John Adams made a trip to New York, and noted in his diary:—"With all the opulence and splendor of this city, there is very little good breeding to be found. We have been treated with an assiduous respect, but I have not seen one real gentleman, one well-bred man, since I came to town. At their entertainments there is no conversation that is agreeable; there is no modesty; no attention to one another. They talk very loud, very fast, and all together. If they ask you a question, before you can utter three words of your answer, they will break out upon you again and talk away." We should hardly consider this courteous language about friends who had treated us with assiduous respect while on a visit. I suspect the impetuous visitor was not pleased to find patriotism less ardent in New York than in Boston. If Adams had been entertained by some of the Tories, it is likely he would have given us a different picture of more dainty people. Again, in a letter to his wife, written in 1776,

he said:—"There is too much corruption, even in this infant age of our republic. Virtue is not in fashion. Vice is not infamous. The spirit of venality you mention is the most dreadful and alarming enemy America has to oppose. It is rapacious and insatiable as the grave. This predominant avarice will ruin America, if she is ever ruined." And then he adds a line that I hesitate to read—"I am ashamed of the age I live in."

After Washington's dismal retreat from Long Island across New Jersey he wrote to Congress, that "the inhabitants of this State, either from fear or disaffection, almost to a man, refused to turn out." "With a handful of men," he adds, "compared to the enemy's force, we have been pushed through the Jerseys without being able to make the smallest opposition, and compelled to pass the Delaware. Instead of giving any assistance in repelling the enemy, the militia have not only refused to obey your general summons and that of their commanding officers, but, I am told, exult at the approach of the enemy and on our late misfortunes. I

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found no disposition in the inhabitants to afford the least aid. We are in a very disaffected part of the province, and between you and me I think our affairs are in a very bad condition; not so much from the apprehension of General Howe's army as from the defection of New York, the Jerseys, and Pennsylvania. In short, the conduct of the Jerseys has been most infamous. Instead of turning out to defend their country and affording aid to our army, they are making their submission as fast as they can. If the Jerseys had given us any support we might have made a stand at Hackinsac, and after that, at Brunswick; but the few militia that were in arms disbanded themselves and left the poor remains of our army to make the best we could of it."

And in a letter written at Philadelphia December 30th, 1778, he says:

"If I were called upon to draw a picture of the times and of the men from what I have seen, heard, and in part know, I should in one word say that idleness, dissipation, and extravagance seem to have laid fast hold of most of

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them; that speculation, peculation, and an insatiable thirst for riches seem to have got the better of every other consideration and almost of every order of men; that party disputes and personal quarrels are the great business of the day; whilst the momentous concerns of an empire, a great and accumulating debt, ruined finances, depreciated money and want of credit, which in its consequences, is want of everything, are but secondary considerations and postponed from day to day, from week to week, as if our affairs wore the most promising aspect. * * * * Our money is now sinking 50 per cent. a day in this city, and I shall not be surprised if in the course of a few months a total stop is put to the currency of it; and yet an assembly, a concert, a dinner, or supper, will not only take men off from acting in this business, but even from thinking of it; while a great part of the officers of our army from absolute necessity are quitting the service, and the more virtuous few, rather than do this, are sinking by sure degrees into beggary and want."

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And Franklin about the same time wrote a letter in which he said: "The extravagant luxury of our country in the midst of all its distresses is to me amazing."

Some years later John Marshall, afterwards the great Chief Justice, in a letter to a friend, said: "There appears every day to be more folly, envy, malice and damned rascality than there was the day before; and I do verily begin to think that plain, downright honesty and unintriguing integrity will be kicked out of doors."

The people were great sticklers for what they regarded as their legal rights. Nearly everybody who could read studied law, and Dean Tucker, in a letter to Burke, records the fact that "in no country perhaps in the world are there so many lawsuits." Patrick Henry was admitted to the bar in the fall of 1760. During the next three years he charged fees in eleven hundred and eighty-five cases, besides assisting his father-in-law to keep a hotel—"tended travelers and drew corks" is the way McMaster has to tell it. Many of the people seemed to think, as some people still

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think, that it is right to do wrong according to law.

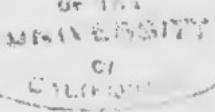
Nor was the public life of the country at that time more creditable. It was a common expression that many of the patriots thought locally and not continentally, and this vice of thinking on public questions is still a poison rankling in our body politic. It leads men to try to *get* something from the commonwealth instead of trying to *do* something to promote the general welfare. Washington and other genuine patriots suffered mortal anguish from lack of attention to their most urgent entreaties for the barest necessities. John Adams, from the first Continental Congress, wrote to his wife: "Every man in this assembly is a great man—an orator, a critic, a statesman—and therefore every man upon every occasion must show his oratory, his criticism and his political abilities. The consequence is that business is spun out to an immeasurable length." This sounds like a current comment on the proceedings of our Fifty-fifth Congress. And in another place, speaking of the proceedings

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of the first Continental Congress, he says: "It is almost impossible to move anything but you instantly see private friendships and enmities, and provincial views and prejudices, intermingle in the consultation." Indeed, the people of the revolutionary era talked more disrespectfully of their representative assemblies than we do of ours.

Gouverneur Morris was no doubt one of the shrewdest observers of current events in his day, and the purity of the patriotism of John Jay entitled him to stand by the side of Washington. One day, in a conversation, thirty years after the second Continental Congress had passed away, Morris exclaimed: "Jay, what a set of scoundrels we had in that Second Congress!" And Jay, as he knocked the ashes from his pipe, replied, "Yes, we had." I have omitted an adjective used by Morris.

After such an account of the Continental Congress you will not be surprised to hear that even in the army some of the unlovely traits of human nature discovered themselves. In the summer of 1777, on a visit to the army, Adams



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wrote to his wife: "I am wearied to death with the wrangles between military officers, high and low. They quarrel like cats and dogs. They worry one another like mastiffs, scrambling for rank and pay like apes for nuts."

But we must not forget the exceptions. In all wars there are acts of heroic devotion on both sides, and perhaps it is but fair to judge the conduct of a soldier without regard to the merits of the cause for which he fights. No doubt Jackson, by shooting Ellsworth, showed as much courage as Nathan Hale, standing in the shadow of the gibbet and lamenting that he had but one young life to give to his country. We may cheer the skill and bravery of Arnold at Saratoga, winning a victory that turned the tide of war, without passing judgment on his conduct before or after. And so we need abate no jot of admiration for the heroism of the militia assembled on Bunker Hill when we recall the fact that their leaders made a dispute about the method of raising a small amount of revenue a pretext for rending an empire, which, if united, might civilize

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and wisely govern the fairest portions of the globe.

I will mention one more fact to throw a light on the public spirit of the age. Near the close of 1779, Congress, trying to dispel the fear that the continental currency would not be redeemed, passed a resolution declaring: "A bankrupt, faithless republic would be a novelty in the political world. The pride of America revolts from the idea; her citizens know for what purpose these emissions were made, and have repeatedly pledged their faith for the redemption of them." The rest of the resolution is too coarse for quotation even for the sake of its emphasis. In a little more than three months from the passage of that resolution a bill was passed to refund the continental currency by issuing one dollar of new paper money for forty dollars of the old, and the new issue soon became as worthless as the former edition. Indeed, the patriots repudiated obligations to the amount of two hundred million dollars, and did it so effectually that we still use the expression "not worth a continental" as a synonym of worthlessness.

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These are some of the items of historical information I had in mind when remarking to Mr. Atkinson last September that the Declaration of Independence was an unjustifiable act. Whether the statement is correct or not, it is the conclusion that profound historians have reached by studying the whole controversy carefully after the lapse of a century. Let me refer to the opinions of one or two who cannot be suspected of admiring the corrupt parliaments, foolish ministries, and headstrong stupidity of George III.

Professor Sumner, to whose work I have referred, tells us that the literature of the revolutionary period is indescribably dull. "It is astonishing," he says, "how far the writers kept from the facts and evidence. This is so much the case, that it is often impossible to learn what was really the matter." He adds that "the colonists first objected to internal taxes, but consented to import duties. Then they distinguished between import duties to regulate commerce and import duties for revenue. They seem to have changed their position and

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to be consistent in one thing only, to pay no taxes and to rebel." The Americans, he tells us, admitted the theory by virtue of which they were oppressed, while fighting the application of it, and thinks "this is the reason why they could never make any rational theory of their opposition. They claimed the rights of free-born Englishmen and the guarantees of the English constitution, but they were forced to find some means of defining which acts of parliament they would accept and which not." After patiently examining their pamphlets and discussions, Sumner concludes:—"The incidents of the trouble offer occasion at every step for reserve in approving the proceedings of the colonists."

Bentham, although himself a revolutionist of a very destructive type, opposed the movement of the colonists, because of the badness of the arguments they used, saying that "the whole of their case was founded on the assumption of natural rights, claimed without the slightest evidence of their existence and supported by vague and declamatory generalities." This opin-

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ion of Bentham was revived and made famous by Rufus Choate in 1856, when, in a letter to the Whigs of Maine, he warned them against "the glittering and sounding generalities of natural right which make up the Declaration of Independence."

Some years ago Mr. Lecky published a history of England in the eighteenth century, and filled more than a volume with an account of the American Revolution. Lecky is an Irishman, and his work is a masterpiece. I refer to it especially, because it enjoys the endorsement of the New York Sun, by far the ablest and most aggressive advocate of American interests against British pretensions. In its review of Mr. Lecky's work, the Sun said:—

"On every ground which should render a history of eighteenth-century England precious to thinking men, Mr. Lecky's work may be commended. The materials accumulated in these volumes attest an industry more strenuous and comprehensive than that exhibited by Froude or by Macaulay. But it is his supreme merit that he leaves on the reader's mind

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a conviction that he not only possesses the acuteness which can discern the truth, but the unflinching purpose of truth-telling."

Professor Fiske of Harvard, who has lectured and written considerably on the history of the Revolution, admits that Mr. Lecky is "eminently fair and candid." Fiske is the author of an admirable history of the military movements of the Revolution: but his mind is so completely obsessed by philosophy that in dealing with other aspects of the Revolution he innocently selects, collates and colors facts so as to make them agree with the theory of his prejudices.

The opinion of such an authority as Lecky on our revolutionary movement must be worthy of thoughtful attention. And his opinion is this: "Any nation might be proud of the shrewd, brave, prosperous and highly intelligent yeomen who flocked to the American camp; but they were very different men from those who defended the walls of Leyden, or immortalized the field of Bannockburn. Few of the great pages of history are less marked by the

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stamp of heroism than the American Revolution; and perhaps the most formidable of the difficulties which Washington had to encounter were in his own camp."

And he concludes his survey of the movement with these words: "In truth the American people, though in general unbounded believers in progress, are accustomed, through a kind of curious modesty, to do themselves a great injustice by the extravagant manner in which they idealize their past. It has almost become a commonplace that the great nation which in our own day has shown such an admirable combination of courage, devotion, and humanity in its gigantic civil war, and which since that time has so signally falsified the prediction of its enemies, and put to shame all the nations of Europe by its unparalleled efforts in paying off its national debt, is of a far lower moral type than its ancestors at the time of the War of Independence. This belief appears to me essentially false. The nobility and beauty of the character of Washington can, indeed, hardly be surpassed; several of

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the other leaders of the Revolution were men of ability and public spirit, and few armies have ever shown a nobler self-devotion than that which remained with Washington through the dreary winter at Valley Forge. But the army that bore those sufferings was a very small one, and the general aspect of the American people during the contest was far from heroic or sublime. The future destinies and greatness of the English race must necessarily rest mainly with the mighty nation which has arisen beyond the Atlantic, and that nation may well afford to admit that its attitude during the brief period of its enmity to England has been very unduly extolled. At the same time, the historian of that period would do the Americans a great injustice if he judged them only by the revolutionary party, and failed to recognize how large a proportion of their best men had no sympathy with the movement."

My friend, Mr. Atkinson, will smile when I remind him that the Episcopal clergy of the revolutionary era were Tories almost to a man.

No candid historian contends in our day

that the government of England had done anything prior to the commencement of the revolutionary movement that would have justified the

Declaration of Independence. The amount of taxes required of the colonies by Parliament was moderate; the money was needed for a proper purpose, and it seems there was no other way to obtain it. But the colonists were logical people, and they argued that "the power to tax involves the power to destroy," as Marshall afterwards decided in a famous case. Those who rebelled in good faith did so because they feared that the power of Parliament to tax them moderately to raise money for their own defense might be used some time in the future for a less worthy purpose, and then they would all be "slaves." Their argument led to anarchy.

As we review the conflict we are apt to forget that the Americans were not alone in their efforts to throw off the restraints of British law during the twenty years preceding the surrender at Yorktown. Wilkes, Junius and Lord George Gordon surpassed the efforts of

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Patrick Henry, Sam. Adams and Crispus At-
tucks to make the reign of George III a failure.
Mobs surged about the streets of London as
they did in Boston, defying the law, destroying
property, and disturbing the public peace. I
have described how the home of Hutchinson,
Chief Justice of Massachusetts, was wrecked
and pillaged. The home of Mansfield, Chief
Justice of England, was wrecked in the same
manner and burned to the ground. Both mobs
claimed to act "on principle," and there is
a curious likeness in the details of these two
acts of violence. It was an age of insurrection,
with no political genius able or in a position
to direct the storm. During the Wilkes riots
in 1768 the civil power in England was re-
duced to extreme weakness. Lecky tells us
"there were great fears that all the bulwarks
of order would yield to the strain," and Frank-
lin, then in London, said that if Wilkes had
possessed a good character and the King a bad
one, Wilkes would have driven George III
from the throne. In 1780, during the Gordon
riots, chaos came again to London, and all

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England was threatened with anarchy. The time was out of joint on both continents, and George III was not born to set it right.

We may be sure there was something more serious than glory in all this tumult that embittered the most beneficent of civilizing races. Whoever examines the dispute with impartial care, will probably perceive that the time had come for a new adjustment of the constitutional relations of the several parts of the British Empire; but the temper of George III, and the disorderly elements active both in England and America were unfavorable to rational treatment of the great problem. In the cold light of truth it now seems quite clear that the Americans took up arms before they were in any real danger of oppression, and that George III was persuaded to concede more than all their reasonable demands, but yielded too late to save the integrity of the empire.

I do not intend to enter the wide field of speculative controversy concerning the movement in which the Declaration of Independence was a passionate outcry. But there is a

theory or defense of that movement appearing in some of our histories which needs a moment's attention. — We are told that George III was a tyrant, seeking to establish despotism, and that Washington rescued and preserved Anglo-Saxon liberty, not only in America, but wherever it existed in the British dominions. I am not willing to endorse this extravagant compliment to the King. We may admit that he was a respectable man in private life, and that barring bribery ⁺ he acted on principle as he understood it in his public career. Historians seem to agree that he was dull, badly educated, stubborn and affectionate. He had some princely accomplishments; but he was far from being a great man. — Certainly he was not in the class of conquerors, nor able to commit what Mc-Intosh calls a splendid crime. [§] His mother was always croaking in his ears, "George, be a king." His spirit was willing, but some of his faculties were very weak. His sight and hearing failed, and his mind gave way under the strain. Thackeray, dropping his cynical style for a moment, gives us a touching account

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of the King's last years. — All history, he tells us, presents no sadder figure. It is too terrible for tears. Driven off his throne; buffeted by rude hands; his children in revolt, his ending was pitiful and awful as that of Lear. One day while he was in a lucid moment the Queen entered his room, and found him singing and playing on a musical instrument. When he had finished he knelt and prayed for her, for his family and the nation, and last for himself; and then tears began to flow down his cheeks and his reason fled again. Caesar, Henry VIII and Napoleon tried to establish a dynasty of despots and failed, and as we glance at the figure of George III and recall the traits of his character we see that Anglo-Saxon civilization or liberty was in no danger of permanent injury from the last King of England who tried to reign.

Here I will close this effort to justify my remark at the beginning, and will endeavor in a few words to present a broader view of the true relations between England and America. We have, no doubt, many just causes

of complaint against some of the descendants of the twenty thousand Norman thieves who founded the House of Lords, as Emerson reminds us, but I do not recall a single serious grievance that we can fairly charge against the masses of the people of the British Islands.

They have never until recently had a potent voice to dictate the policy of their government. They did not enact the trade and navigation laws, which were the real grievances of the thirteen colonies. Not one of the maledictions in the Declaration of Independence was spoken against them. They did not hire Hessians and savages to wage war against our ancestors. They did not impress our sailors on the sea nor burn our capitol at Washington. They did not applaud Gladstone's exultant outcry in 1862 that Jefferson Davis had created a nation, nor approve the sailing of the Alabama to sweep our commerce from the sea. But they have erected a statue of Lincoln in Edinburgh and a bust of Longfellow in Poet's Corner. Whoever converses with the people of England who live outside of the

influence of the snobs—English and American—who gather in London during the season, will hear many good wishes for the success of our momentous experiment in popular government, and not one word of unjust detraction. I was once startled and pleased to hear a long rumble of applause by a vast audience in Spurgeon's tabernacle follow a kindly reference by the famous preacher to the great republic beyond the sea.

I have not overlooked the portly argument of the late Douglass Campbell, striving to show that we inherited our political blessings not from England but from Holland; but I believe that a more critical reading of history would show that the vital principles of our political fabric are of British origin or British development. After reviewing the long struggle for liberty regulated by law extending from the battle of Hastings to the Reform Bill, and still remembering the origin of the House of Lords, Emerson said of England: "It is a land of patriots, martyrs, sages and bards, and if the ocean out of which it emerged should

wash it away it would be remembered as an island famous for immortal laws, for the announcements of original right that make the stone tables of liberty." Some of those tables were brought to America by the Mayflower, and some of those laws have been re-enacted here by the lineal descendants of the patriots of the British Islands.

— The Declaration of Independence and the shock of civil war disturbed the harmony, but failed to destroy the unity, of the races that speak English. Washington still followed in the footsteps of Hampden; Franklin continued the unfinished work of Bacon; Marshall inherited the synthetic intellect of Mansfield; Webster proclaimed the grandeur of the Union in the imperial voice of Chatham, and Sumner came to plead passionately for rational liberty when Burke went silent. We find the stern and sturdy traits of Cromwell revived in our unconquerable Grant. The daring spirit of Drake or Nelson seemed to live again when Farragut was lashed to the mast; and the English race has produced one character on

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each side of the Atlantic too sublime to be compared or classified—the Voice we call Shakespeare, and the inscrutable Martyr who gave freedom to the slave.



NOTE.

While the foregoing pages were in press my attention was called to a letter relating to the destruction of the tea, written in London by Franklin to Saml. Adams, John Hancock and others, dated February 2nd, 1774. At that time Franklin was agent for Massachusetts. The letter is as follows:

London, Feb. 2, 1774.

GENTLEMEN,

I received the Honour of your Letter dated Decr. 21, containing a distinct Account of the Proceedings at Boston relative to the Tea imported there, and of the Circumstances that occasioned its Destruction. I communicated the same to Lord Dartmouth, with some other Advices of the same Import. It is yet unknown what Measures will be taken here on the Occasion; but the Clamour against the Proceeding is high and general. I am truly concern'd, as I believe all considerate Men are with you, that there should seem to any a Necessity for carrying Matters to such Extremity, as, in a Dispute about Publick Rights, to destroy private Property; This (notwithstanding the Blame justly due to those who obstructed the Return of the Tea) it is impossible to justify with People so prejudiced in favour of the Power of Parliament to tax America, as most are in this Country.—As the India Company however are not our Adversaries, and the offensive Measure of sending their Teas did not take its Rise with them, but was an Expedient of the Ministry to serve them and yet avoid a Repeal of the old Act, I cannot but wish & hope that before any compulsive Measures are thought of here, our General Court will have shewn a Disposition to repair the Damage and make Compensation to the Company. This all our Friends here wish with me; and that if War is finally to be made upon us, which some threaten, an Act of violent Injustice on our part, unrectified, may not give a colourable Pretence for it. A speedy Reparation will immediately set us right in the Opinion of all Europe. And tho' the Mischief was the Act of Persons unknown, yet as probably they cannot be found or brought to answer for it, there seems to be some reasonable Claim on the Society at large in which it happened. Making voluntarily such Reparation can be no Dishonour to us or Prejudice to our Claim of Rights, since Parliament here has frequently considered in the same Light similar Cases; and only a few Years since, when a valuable Saw-mill, which had been erected at a great Expense was violently destroyed

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by a Number of Persons supposed to be Sawyers, but unknown, a Grant was made out of the Publick Treasury of Two Thousand Pounds to the Owner as a Compensation.—I hope in thus freely (and perhaps too forwardly) expressing my Sentiments & Wishes, I shall not give Offence to any. I am sure I mean well; being ever with sincere Affection to my native Country, and great Respect to the Assembly and yourselves.

Gentlemen,

Your most obedient

and most humble Servant.

B. Franklin.

Hon ble Thomas Cushing }
Saml. Adams
John Hancock }
William Phillips Esquires

This letter is said to be among the Adams papers in the New York Public Library.

F. B.



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